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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,883	12/15/2003	Jeffry A. Pegg	7344.12/P	1021

7590 11/21/2006

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502 So. Cottonwood Drive
Richardson, TX 75080

EXAMINER

HUNTER, ALVIN A

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/734,883

Applicant(s)

PEGG, JEFFRY A.

Examiner

Alvin A. Hunter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitabayashi (JP 2003-117033) in view of Chandler, III (USPN 6152832).

Regarding claim 1-3, Kitabayashi discloses a putter having a putterhead having a first mass and defining a top face, bottom face, and striking face which defines a horizontal axis and which extends in a substantially vertical plane from the bottom face to the top face and extends in a plane parallel to the horizontal axis and defining a preferred striking area centrally located on the striking face and a shaft having a second mass extending from the top face at an angle of 23.5 degrees supporting a grip on the end thereof remote from the putter head. Kitabayashi offsets the shaft's mounting position in order to allow left and right-handed players to utilize the club head. It is unclear if Kitabayashi discloses the vertical center of mass lying within the preferred length of the striking area, though Kitabayashi shows the clubhead being symmetric about a vertical axis, having a shaft connected and extending between the toe end and midpoint, and having an angle of 23.5 degrees. Chandler, III discloses a putter having a putter head and a shaft with grip wherein the vertical center of mass lies within the

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preferred length of the striking area being that the center of mass of the putter head would naturally occur at the center of the putterhead and that the handle of the shaft is substantially aligned therewith (See Entire Document). One having ordinary skill in the art would have found it obvious to have the vertical center of mass within the preferred striking area, as taught by Chandler, III, in order to promote natural pendulum movement of the arm.

Regarding claim 4, Chandler, III shows a marker that identifies the midpoint of the putter head (See Figure 1).

Regarding claim 6, see the above regarding claim 1.

Regarding claim 7, Chandler, III also shows a marker on the top face in which the marker appears to be aligned with the center of mass of the putter (See Figures 1 and 2).

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitabayashi in view of Chandler, III further in view of Redman

Regarding claim 8, Kitabayashi in view of Chandler, III does not disclose the marker equally visible from both sides of the shaft. Redman shows the marker being equally visible on both side of the shaft. One having ordinary skill in the art would have found it obvious to have the marker of Kitabayashi in view of Chandler, III to be visible for both sides of the shaft, as taught by Redman, in order to align the golf ball with the club head.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Redman in view of Chandler, III (USPN 6152832).

Regarding claim 1, Redman discloses a putter having a putterhead having a first mass and defining a top face, bottom face, and striking face which defines a horizontal axis and which extends in a substantially vertical plane from the bottom face to the top face and extends in a plane parallel to the horizontal axis and defining a preferred striking area centrally located on the striking face and a shaft having a second mass extending from the top face at an angle of 65 degrees (25 degrees from a vertical axis with respect to the horizontal axis) supporting a grip on the end thereof remote from the putter head. Redman offsets the shaft's mounting position in order to balance the weight of the club head. It is unclear if Redman discloses the vertical center of mass lying within the preferred length of the striking area. Chandler, III discloses a putter having a putter head and a shaft with grip wherein the vertical center of mass lies within the preferred length of the striking area being that the center of mass of the putter head would naturally occur at the center of the putterhead and that the handle of the shaft is substantially aligned therewith (See Entire Document). One having ordinary skill in the art would have found it obvious to have the vertical center of mass within the preferred striking area, as taught by Chandler, III, in order to reduce twisting and to promote natural pendulum movement of the arm.

Response to Arguments

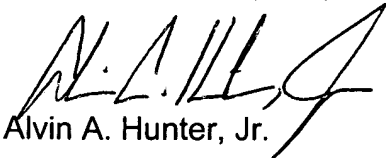
Applicant's arguments filed 9/06/06 have been fully considered but they are not persuasive. Applicant argues that the shaft is not attached between the toe end and midpoint. Arguments are persuasive to claims 3 and 6, but not for claim 1. Claim 1 does not requires the shaft to be positioned as claimed in claim 3.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A. Hunter whose telephone number is (571) 272-4411. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:00PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim, can be reached at 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alvin A. Hunter, Jr.